

REMARKS

In accordance with the foregoing, claims 33-40 and 59-63 have been withdrawn. Claims 1-32 and 41-58 are pending and under consideration. No new matter is presented in this Amendment. Furthermore, it is noted that the Office Action recites that claims 33-40 are withdrawn, whereas the non-Elected claims include claims 33-42.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1-12 and 17-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Heemsherk et al. (International Publication WO03034414 or U.S. Publication 20040156291) in view of Kobayashi (International Publication WO2002075729 or U.S. Publication 20030179678). The rejection is traversed and reconsideration is respectfully requested.

As a point of clarification, the instant application is based on Korean patent application no. 2002-49425, which was filed August 21, 2002 in the Korean Intellectual Property Office. A certified copy of Korean patent application no. 2002-49425 was filed in the United States Patent and Trademark Office as acknowledged by the Examiner on page 1 of the Office Action. Further, enclosed is an English translation of Korean patent application no. 2002-49425, along with a statement from the translator in compliance with 37 CFR 1.55(a)(4). As such, it is respectfully submitted that the applicants have established a date of invention of at least August 21, 2002. MPEP 201.15. Heemsherk et al. does not qualify as prior art under 35 U.S.C. §102(e) since Heemsherk et al. has a PCT filing date of October 10, 2002, which is after the priority of the present application. MPEP 706.02(b). It is further noted that the Japanese priority application has a publication date of April 25, 2003, and thus would not qualify as a reference under 35 U.S.C. §102(a). MPEP 706.02(b). Since Heemsherk et al. does not appear to otherwise qualify as prior art, it is respectfully requested that the Examiner withdraw the rejection of claims 1-12 and 17-28 in view of Heemsherk et al.

Additionally, though Kobayashi has a PCT filing date which is before the priority date of the present application, the PCT application publication date is September 26, 2002. Kobayashi does not qualify as prior art under 35 U.S.C. §102(e) since the publication was not in English, does not qualify as a publication under 35 U.S.C. 102(a) since the publication date is after the priority date of the present application, and does not appear to otherwise qualify as prior art. MPEP 706.02(b).

Claims 13-16 and 29-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Heemsherk et al. (International Publication WO03034414 or U.S. Publication

20040156291) in view of Kobayashi (International Publication WO2002075729 or U.S. Publication 20030179678) and further in view of Lee et al. (U.S. Publication 20050030854). The rejection is traversed and reconsideration is respectfully requested.

As previously discussed, it is respectfully submitted that the applicants have established a date of invention of at least August 21, 2002. MPEP 201.15. Heemsherk et al. does not qualify as prior art under 35 U.S.C. §102(e) since Heemsherk et al. has a PCT filing date of October 10, 2002, which is after the priority of the present application. MPEP 706.02(b). It is further noted that the Japanese priority application has a publication date of April 25, 2003, and thus would not qualify as a reference under 35 U.S.C. §102(a). MPEP 706.02(b). Since Heemsherk et al. does not appear to otherwise qualify as prior art, it is respectfully requested that the Examiner withdraw the rejection of claims 1-12 and 17-28 in view of Heemsherk et al.

Additionally, though Kobayashi has a PCT filing date which is before the priority date of the present application, the PCT application publication date is September 26, 2002. Kobayashi does not qualify as prior art under 35 U.S.C. §102(e) since the publication was not in English, does not qualify as a publication under 35 U.S.C. 102(a) since the publication date is after the priority date of the present application, and does not appear to otherwise qualify as prior art. MPEP 706.02(b).

Furthermore, Lee et al. has a U.S. filing date of July 6, 2004, which is after the priority date of the present application. Therefore, Lee et al. does not qualify as prior art under 35 U.S.C. §102(e), and does not appear to otherwise qualify as prior art.

Claims 43-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Heemsherk et al. (International Publication WO03034414 or U.S. Publication 20040156291) in view of Kobayashi (International Publication WO2002075729 or U.S. Publication 20030179678) and further in view of Kondo et al. (U.S. Publication 20050099934). The rejection is traversed and reconsideration is respectfully requested.

As previously discussed, it is respectfully submitted that the applicants have established a date of invention of at least August 21, 2002. MPEP 201.15. Heemsherk et al. does not qualify as prior art under 35 U.S.C. §102(e) since Heemsherk et al. has a PCT filing date of October 10, 2002, which is after the priority of the present application. MPEP 706.02(b). It is further noted that the Japanese priority application has a publication date of April 25, 2003, and thus would not qualify as a reference under 35 U.S.C. §102(a). MPEP 706.02(b). Since Heemsherk et al. does not appear to otherwise qualify as prior art, it is respectfully requested that the Examiner withdraw the rejection of claims 1-12 and 17-28 in view of Heemsherk et al.

Additionally, though Kobayashi has a PCT filing date which is before the priority date of the present application, the PCT application publication date is September 26, 2002. Kobayashi does not qualify as prior art under 35 U.S.C. §102(e) since the publication was not in English, does not qualify as a publication under 35 U.S.C. 102(a) since the publication date is after the priority date of the present application, and does not appear to otherwise qualify as prior art. MPEP 706.02(b).

Finally, since Kondo et al. does not cure the defects of Heemsherk et al., it is noted that these rejections are believed to be traversed.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date:

1/19/07

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